

ORDINANCE NO. 1345

AN ORDINANCE OF THE CITY OF LODI ESTABLISHING AND
PROVIDING FOR THE REGULATION OF BURGLARY AND ROBBERY
ALARM SYSTEMS

The City Council of the City of Lodi DOES ORDAIN as follows:

SECTION 1. A new chapter is hereby added to the City of
Lodi Municipal Code as follows:

CHAPTER _____ ALARM SYSTEMS.

Sections:

_____	Definitions
_____	Permit for Alarm System Required
_____	Application for Permit
_____	Application for Alarm Permit - Investigation
_____	Suspension or Revocation of Permits
_____	Notice of Appeal
_____	False Alarm Penalty
_____	Alarm Requirements
_____	Automatic Shutoff Requirements-Audible Alarms
_____	Delay Device Requirements
_____	Power Supply
_____	Testing Alarm
_____	Prohibitions
_____	Fees
_____	Limitation on Liability
_____	Criminal Penalties
_____	Application of Chapter

_____. DEFINITIONS. For the purpose of this
Chapter, certain words and phrases shall be construed herein as
set forth in this section unless it is apparent from the
context that a different meaning is intended.

Alarm Agent means any person employed by an alarm
business whose duties include the altering, installing, main-
taining, moving, repairing, replacing, selling, servicing,

responding to (excluding public safety officer) or causing others to respond to an alarm system in or on any building, structure, or facility.

Alarm Business means any business carried on by any person who engages in the sale, lease, maintenance, service, repair, alteration, replacement or installation of any alarm or alarm systems in or on any building, structure or facility.

Alarm System means any mechanical or electrical device which is designed or used for the detection of intrusion into a building, structure or facility, or for alerting others of an event within a building, structure or facility, which event causes a local audible alarm or transmission of a signal or message. Alarm systems include, but are not limited to, direct dial tone devices, audible alarm and proprietor alarms. Devices which are not designed or used to evoke a police response, or used to register alarms that are intended to be audible, visible or perceptible outside of the protected building, structure, or facility are not included within this definition, nor are auxiliary devices installed by a telephone company to protect its systems which might be damaged or disrupted by the use of an alarm system.

Appellant means a person who perfects an appeal pursuant to this chapter.

Applicant means a person, firm or corporation who files an application for permit as provided for in this chapter.

Audible Alarm means a device designed for the detection of an intrusion on premises which generates an audible sound on the premises when it is actuated.

City means the City of Lodi.

Day means a calendar day.

Person means a person, firm, corporation, association, partnership, individual, organization or company.

Proprietor Alarm means an alarm which is not regularly serviced by an alarm business.

False Alarm means the activation of an alarm system through mechanical failure, accident, misoperation, malfunction, misuse, or the negligence of either the owner or lessee of the alarm system or any of their employees or agents. False alarms shall not include alarms caused by acts of God, the malfunction of telephone lines, circuits or other causes which are beyond control of the owner or lessee of the alarm system.

_____. Permit for Alarm System Required. No person shall install or use an alarm system without first obtaining an alarm permit issued by the City of Lodi in accordance with the provisions of this chapter.

_____. Application for Permit. Application for an alarm permit shall be filed with the Finance Director on forms provided by the City, and the applicant shall, at the time of application, pay the fee established by resolution of the City Council. The application shall be signed and verified by the owner or lessee of the alarm system for which the permit is requested, and the application shall contain such information as may be required by the City Manager in order to ensure that the permit is issued in accordance with the provisions of this chapter. Permits provided for in this chapter shall be issued by the Finance Director and shall be non-transferable.

_____. Application for Alarm Permit - Investigation. Upon receiving an application from any person for an alarm permit, the City Manager shall cause an investigation to be made. Upon completion of the investigation, the Finance Director shall cause a Permit to be issued. A commercial alarm permittee may be allowed a direct connection to the City of Lodi Police Department Alarm System, provided facilities are available for direct connection. Each commercial alarm permit holder whose system directly connects with the Lodi Police Department shall pay to the City on or before January 1st of each year, a fee set forth by resolution of the City Council.

_____. Suspension and Revocation of Permits.
An alarm permit may be suspended and/or revoked as follows:

(a) If, after investigation, the Chief of Police determines that the permittee has violated any provision of this chapter, has violated any rules and regulations promulgated by the Chief of Police pursuant to authority granted by this chapter, or fails to pay a false alarm penalty as provided in Section _____, the Chief of Police shall send to the permittee, by registered mail, a notice of intent to revoke the permit, which notice shall specify the violation or violations determined by the Chief of Police to exist and that permittee has the right to appeal the determination of the Chief of Police to revoke the permit to the City Manager, as provided in Section _____ of the City of Lodi Municipal Code, and that failure of the permittee to remedy the violation or violations specified in the notice of revocation within said fifteen-day period, or within such additional time as may be allowed by the Chief of Police upon a showing of good cause therefor, then the alarm permit shall be considered revoked and the alarm system shall remain unused until a new permit is issued.

----- Notice of Appeal. If any permittee is aggrieved by any action of the Chief of Police pursuant to the provisions of Section _____ of the Lodi Municipal Code, the applicant may appeal to the City Manager, by filing with the City Manager, a Notice of Appeal, setting forth the facts and circumstances regarding the appeal. This Notice of Appeal shall be filed not later than fifteen (15) days after service of a notice of revocation as provided for in Section _____ of this chapter. The City Manager, or duly authorized representative, shall, within fifteen (15) days from the date on which the appeal is filed, hold a hearing, consider all relevant evidence produced by the alarm permittee, the Chief of Police or his representative, and any other interested parties, make findings and determine the merits of the appeal. The City Manager, or his duly authorized representative, may affirm, overrule or modify the decision of the Chief of Police and the decision of the City Manager, or his duly authorized representative, shall be final.

_____. False Alarm Penalty The Chief of Police is authorized to demand any owner, lessee, or their representative of any alarm system which is not in compliance with this Chapter, to disconnect the alarm system, until it is made to comply with this Chapter.

Any person who maintains, uses or possesses an alarm, and which alarm has caused any signal, message or alarm to be transmitted to the Police Department, either by direct telephone or other direct communication or by communication from an alarm agent or an alarm business, or by a person responding to an audible alarm and which alarm is determined to have been a false alarm by the Chief of Police, pursuant to an investigation conducted by the Chief of Police, shall pay a false alarm penalty to the City of Lodi, as follows:

(a) For the third false alarm within a six month period, permittee shall pay a \$25.00 false alarm penalty; (b) For the fourth false alarm within a six month period, permittee shall pay a \$50.00 false alarm penalty; (c) For the fifth and each subsequent false alarm within a six month period, the permittee shall pay a \$65.00 false alarm penalty.

In the event that permittee sustains five false alarms within a six month period, the Chief of Police, in addition to imposing the false alarm penalties provided herein, shall commence revocation proceedings, as provided for by Section _____ and shall revoke the permit within the time period provided in that Chapter, should permittee fail to demonstrate, to the satisfaction of the Chief of Police, that the alarm system is in good working order.

Failure to pay false alarm penalties as provided herein shall be grounds for revocation of the permit. The permittee has the right of appeal as specified in Section _____, with respect to penalties imposed by the Chief of Police for false alarms, pursuant to the provisions of this Chapter.

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----- . Alarm Requirements. The alarm permittee shall supply on his application for permit the names, addresses and phone numbers of the selling or installing alarm company, or if the permittee is not under a service contract with an alarm business, at least two persons to call in event of an emergency. In the event the names, addresses and phone numbers change, the permittee shall supply the changes within five days of the change.

----- . Automatic Shutoff Requirements-Audible Alarms. All audible alarm systems shall include a device which will limit the generation of the audible sound of the system to not longer than twenty minutes after activation when the alarm system is protecting a residential structure and forty-five minutes when the alarm system is protecting a commercial structure. Said systems, however, shall include an automatic resetting device which shall cause the subject system to be re-armed upon automatic shutoff.

----- . Delay Device Requirements. All burglary detection alarm systems that directly transmit a signal to the police facility shall include a device which will provide a minimum of a thirty-second delay of the original transmission and activate a signal immediately in such a manner as to be perceptible to a person lawfully entering, leaving or occupying the premises.

----- . Power Supply. An alarm system shall be supplied with an uninterruptible power supply in such a manner that the failure or interruption of the normal utility electric service will not activate the alarm system. The backup power supply must be capable of at least four hours of operation.

----- . Testing Alarm. Permittees shall notify the City of Lodi Police Department emergency equipment dispatcher prior to any service, test, repair, maintenance, adjustment, alterations, or installations of systems which would normally result in a police response, which might activate a false alarm. Any alarm activated where such prior notice has been given shall not constitute a false alarm.

----- Prohibitions. It shall be unlawful to install or use an alarm system which, upon activation, emits a sound similar to sirens in use on emergency vehicles or for civil defense purposes. Panic alarms, brawl alarms, fight alarms and other signals intended to report disorderly conduct or miscellaneous offenses directly to the police alarm board shall be unlawful. The use of automatic telephone dialing devices intended to deliver a recorded voice message to the police shall be unlawful.

----- Fees. Fees prescribed heretofore in this ordinance shall be in addition to any other lawful fees imposed by the City of Lodi for doing or conducting business within the City of Lodi.

----- Limitation On Liability. The City of Lodi is under no obligation or duty to any permittee or any other person by reason of any provision of this chapter, or the exercise of any privilege by any permittee hereunder, including but not limited to any defects in a police alarm system, any delay in transmission of an alarm message to any emergency unit or damage caused by delay in responding to any alarm by any City officer, employee or agent.

----- Criminal Penalties. Any person who violates the provisions of this part, shall be guilty of a misdemeanor.

----- Application of Chapter. **Any** person who, on the effective date of this ordinance, possesses, has installed or uses an alarm system which requires a permit under this Chapter, shall apply for and receive a permit as provided in this Chapter, within three (3) months after the effective date of this ordinance.

SECTION 2. All ordinances and parts of ordinances in conflict herewith are repealed insofar as such conflict may exist.

SECTION 3. This Ordinance shall be published one time in the "Lodi News Sentinel", a daily newspaper of general circulation, printed and published in the City of Lodi and shall be in force and take effect thirty days from and after its passage and approval.

Approved this 20th day of February, 1985

John R. Snider

MAYOR

Attest :

Alice M. Reimche

ALICE M. REIMCHE

City Clerk

State of California

County of San Joaquin, ss.

I, Alice M. Reimche, City Clerk of the City of Lodi, do hereby certify that Ordinance No. 1345 was introduced at a regular meeting of the City Council of the City of Lodi held February 6, 1985 and was thereafter passed, adopted and ordered to print at a regular meeting of said Council held February 20, 1985 by the following vote:

Ayes: Council Members - Hinchman, Pinkerton,
Olson, Reid, &
Snider (Mayor)

Noes: Council Members - None


Absent: Council Members - None

Abstain: Council Members - None

I further certify that Ordinance No. 1345 was approved and signed by the Mayor on the date of its passage and the same has been published pursuant to law.


ALICE M. REIMCHE
City Clerk

Approved as to form


RONALD M. STEIN
City Attorney